No. 25-197

# In the Supreme Court of the United States

T.M., PETITIONER

*v.*

UNIVERSITY OF MARYLAND
MEDICAL SYSTEM CORPORATION, ET AL.

*ON WRIT OF CERTIORARI*
*TO THE UNITED STATES COURT OF APPEALS*
*FOR THE FOURTH CIRCUIT*

## REPLY BRIEF FOR THE PETITIONER


RAY M. SHEPARD
SHEPARD LAW FIRM
*122 Riviera Drive*
*Pasadena, MD 21122*

KANNON K. SHANMUGAM
*Counsel of Record*
WILLIAM T. MARKS
ANNA J. LUCARDI
MATTHEW J. DISLER
MIKAELA MILLIGAN
KRISTA A. STAPLEFORD
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP
*2001 K Street, N.W.*
*Washington, DC 20006*
*(202) 223-7300*
*kshanmugam@paulweiss.com*

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This Court has dismissed claims under the *Rooker-Feldman* doctrine only twice: in *Rooker* and in *Feldman*. See *Rooker* v. *Fidelity Trust Co.*, 263 U.S. 413 (1923); *District of Columbia Court of Appeals* v. *Feldman*, 460 U.S. 462 (1983). In both cases, the plaintiffs had sought federal relief from a judgment of a state court of last resort after the state litigation had ended. When lower courts began to expand *Rooker-Feldman* beyond those limited circumstances, this Court intervened. In *Exxon Mobil Corp.* v. *Saudi Basic Industries Corp.*, 544 U.S. 280 (2005), the Court attempted to return the doctrine to its original scope and root it in a negative inference from the Court's jurisdiction under 28 U.S.C. 1257.

So understood, *Rooker-Feldman* does not properly apply to a state-court decision that remains subject to further review in state court. Because this Court would not have jurisdiction over such a decision under Section 1257, there is no basis for drawing a negative inference from that statute to limit the jurisdiction a district court would otherwise have to entertain an action challenging that decision. Expanding *Rooker-Feldman* to the circumstances here would undermine this Court's longstanding efforts to make jurisdictional rules simple. And for no good reason. Other legal doctrines already do the work that *Rooker-Feldman* does, without the complications that come with a jurisdictional label.

Swimming against the tide of *Exxon Mobil*, respondents seek to expand *Rooker-Feldman* despite the confusion the doctrine has long caused in the lower courts. In the process, respondents attempt to separate the doctrine from its statutory basis in Section 1257 and instead ground it entirely in an amorphous distinction between "original" and "appellate" jurisdiction.

That effort is deeply flawed. The distinction between original and appellate jurisdiction can neither explain *Rooker-Feldman* nor sustain the doctrine going forward. A plaintiff who files suit in federal district court asserting a freestanding cause of action seeking relief from a state-court judgment invokes the district court's original jurisdiction, not forbidden appellate jurisdiction. Respondents contend that *Rooker-Feldman* should nevertheless apply because the action would seek the *functional equivalent* of the relief available in an appeal. But that approach would contravene this Court's efforts to ensure that jurisdictional rules are clear and easy to administer. And it would make the application of *Rooker-Feldman* turn on an inquiry that respondents concede has confounded the lower courts for decades.

Respondents contend that their rule remains necessary to avoid a system in which lower federal courts wield their original jurisdiction effectively to exercise appellate review of state-court decisions. But the simple answer to that concern is preclusion. As courts and commentators have recognized, preclusion prevents federal-court interference with state-court judgments wherever *Rooker-Feldman* does not apply. And far from infringing on the States' sovereignty, reliance on preclusion allows States to decide for themselves the effect of their own judgments through the development of state preclusion law. Respondents fail to explain why a federal jurisdictional doctrine is necessary where non-jurisdictional state-law doctrines such as preclusion already suffice.

In the end, petitioner's position provides the Court with a simple approach that has at least some footing in the relevant statutory text. Because this Court would lack jurisdiction under Section 1257 over a state-court decision that remains subject to further review in state court, *Rooker-Feldman* should not apply. And if the Court were to conclude otherwise, it should consider eliminating the doctrine altogether. Whichever path the Court takes, the judgment below should be reversed.

### A. The Court Has Applied The *Rooker-Feldman* Doctrine Only To The Final Decisions Of State Courts Of Last Resort

In the century since it decided *Rooker*, the Court has treated *Rooker*'s jurisdictional holding as exceedingly narrow. In *Rooker*'s first sixty years, the Court so much as cited the decision only once. See *Exxon Mobil*, 544 U.S. at 288 n.3. And when the Court revived *Rooker* in *Feldman*, the Court applied *Rooker*'s jurisdictional holding only in the same narrow circumstances: to a party asking a federal court for relief from an adverse judgment of a

state court of last resort that terminated the state litigation. See *Feldman*, 460 U.S. at 476. After *Feldman*, however, *Rooker*'s jurisdictional principle developed a name and a life of its own, with lower courts extending the newly minted *Rooker-Feldman* doctrine "far beyond the contours of the *Rooker* and *Feldman* cases." *Exxon Mobil*, 544 U.S. at 283; see Pet. Br. 7-8.

In *Exxon Mobil*, this Court—to borrow respondents' words—"ordered a course correction." Br. 16. It made clear that *Rooker-Feldman* is "confined to cases of the kind from which the doctrine acquired its name." *Exxon Mobil*, 544 U.S. at 284. It observed that, in both *Rooker* and *Feldman*, "the losing party in state court filed suit in federal court after the state proceedings ended, complaining of an injury caused by the state-court judgment and seeking review and rejection of that judgment." *Id.* at 291. And it rooted the doctrine in Section 1257, explaining that *Rooker-Feldman* arises from the "limited circumstances" in which Section 1257 deprives a district court of jurisdiction over a case the court would "otherwise be empowered to adjudicate" under a statutory grant of original jurisdiction. *Ibid.*

All of this is seemingly common ground. Respondents do not contest the limited role that *Rooker-Feldman* has played in this Court's precedents. And respondents do not dispute that the cases from which *Rooker-Feldman* "acquired its name" involved federal claims filed in district court "after the state proceedings ended." *Exxon Mobil*, 544 U.S. at 284, 291.

Instead, respondents boldly attempt to suggest that *Exxon Mobil* resolved the question presented in their favor. They read one sentence from *Exxon Mobil*'s introduction as establishing "four enumerated elements" that, if satisfied, trigger application of the doctrine. Br. 19. Based on that sentence, respondents charge petitioner

with introducing a "stealth fifth element" beyond *Exxon Mobil*'s four. Br. 20.

There are two problems with that argument. *First*, it falls into the trap of reading an opinion like a statute. See, *e.g.*, *Brown* v. *Davenport*, 596 U.S. 118, 141 (2022). And even in the spotlighted sentence, the Court did not purport to "enumerate[]" the specific elements that would govern every *Rooker-Feldman* case in perpetuity; it is respondents who are attempting to impose that overlay on the Court's opinion. See Br. 17 (adding numbers to the relevant sentence in an effort to create "elements"). *Second*, even if respondents were correct that *Exxon Mobil* established specific elements governing the application of *Rooker-Feldman* across all cases, petitioner's position would not require the creation of an additional element. It would merely require the Court to read the reference to "state-court judgments" in those purported elements to refer to state-court judgments that do not remain subject to further review in state court.

As respondents implicitly recognize (Br. 16-17, 21, 22), *Exxon Mobil* simply did not resolve the question whether *Rooker-Feldman* can be triggered by a state-court decision that remains subject to further review in state court. Instead, the real question here is which party's position is more consistent with the Court's reset of the *Rooker-Feldman* doctrine in *Exxon Mobil*.

The answer is clearly petitioner's. Respondents' position represents an extension of *Rooker-Feldman* far beyond the narrow fact pattern of *Rooker* and *Feldman*. And contrary to respondents' suggestion, the Court's discussion of finality in *Exxon Mobil* was not drawn merely from the opinion's introduction or its "recitation" of "*Rooker*'s and *Feldman*'s procedural histories," Br. 19-20, but from the portion of the opinion where the Court turned to analyze the question presented in earnest. See

*Exxon Mobil*, 544 U.S. at 291; see also *Skinner* v. *Switzer*, 562 U.S. 521, 531 (2011) (reiterating that *Rooker* and *Feldman* involved federal actions filed "after the state proceedings ended").

In any event, the most important aspect of *Exxon Mobil* is that it rooted *Rooker-Feldman* in a negative inference from this Court's jurisdiction under Section 1257, which operates as a limitation on a district court's original jurisdiction under statutes such as 28 U.S.C. 1331. See *Exxon Mobil*, 544 U.S. at 291. Petitioner's position flows directly from that understanding of *Rooker-Feldman*. Respondents' contravenes it.

### B. Extending The *Rooker-Feldman* Doctrine To Non-Final State-Court Decisions Is Inconsistent With The Doctrine's Statutory Basis

Section 1257 grants this Court jurisdiction over "[f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had." 28 U.S.C. 1257(a). As petitioner has explained (Br. 28-32), the most natural negative inference that can be drawn from that statute (if any) is that a federal district court cannot exercise jurisdiction over a final judgment of a state court of last resort. Respondents' position would require a much broader inference: namely, that Congress intended to deprive district courts of jurisdiction even where Section 1257 does not grant jurisdiction to this Court. That sweeping limitation cannot be inferred from Section 1257.

Perhaps recognizing as much, respondents attempt to downplay the role of Section 1257 and instead ground *Rooker-Feldman* in the fact that, in statutes such as Section 1331, Congress conferred only "original jurisdiction," and not appellate jurisdiction, on the district courts. See Br. 13-17, 24-25. In respondents' view, even where a

state-court decision remains subject to further review in state court, a federal action seeking to prevent the enforcement of the state judgment requires the exercise of appellate jurisdiction and thus triggers *Rooker-Feldman*. That argument does not withstand scrutiny.

1. To begin with, respondents' reconceptualization of *Rooker-Feldman* renders Section 1257 irrelevant to the doctrine. To be sure, respondents suggest that Section 1257 "buttresses th[e] conclusion" that an action that triggers *Rooker-Feldman* falls outside a district court's original jurisdiction. Br. 21. But if the *Rooker-Feldman* doctrine rests on the proposition that actions that trigger the doctrine are inherently outside a district court's original jurisdiction, Section 1257 would be superfluous; the text of statutes such as Section 1331 would do all the work necessary to justify the doctrine.

That position is difficult to square with *Exxon Mobil*. As already noted, the Court there made clear that *Rooker-Feldman* applies in the "limited circumstances" where this Court's "appellate jurisdiction over state-court judgments" under Section 1257 precludes a district court from "exercising subject-matter jurisdiction in an action it would otherwise be empowered to adjudicate." *Exxon Mobil*, 544 U.S. at 291. In light of *Exxon Mobil*, one prominent judge has even suggested that *Rooker-Feldman* be renamed "the 1257 Rule" or "the Supreme Court review rule," because "[e]ach step away from the statute that justifies the rule creates exponential risks of expansion and confusion." *VanderKodde* v. *Mary Jane M. Elliott, P.C.*, 951 F.3d 397, 409 (6th Cir. 2020) (Sutton, J., concurring). Yet respondents would make Section 1257 wholly unnecessary to the doctrine.

Respondents emphasize (Br. 21) that, in *Exxon Mobil*, the Court quoted a footnote from *Verizon Maryland, Inc.* v. *Public Service Commission of Maryland*, 535 U.S. 635,

644 n.3 (2002), stating that "[t]he *Rooker–Feldman* doctrine merely recognizes that 28 U.S.C. § 1331 is a grant of original jurisdiction, and does not authorize district courts to exercise appellate jurisdiction over state-court judgments, which Congress has reserved to this Court, see § 1257(a)." The quoted language appears only in a parenthetical. See *Exxon Mobil*, 544 U.S. at 292. And if anything, it confirms that Section 1257 is the foundation for *Rooker-Feldman*: Section 1257 "reserve[s]" to this Court the authority to review final state-court judgments, thereby depriving a district court of the ability to do so under the original jurisdiction it might otherwise have. See CAC Br. 19-23.

Respondents separately contend (Br. 25) that a footnote in *Feldman* "directly foreclose[d]" the argument that the scope of *Rooker-Feldman* is tied to the scope of this Court's jurisdiction under Section 1257. Br. 25. That is wrong. In the footnote, the Court expressed disapproval of a lower-court decision that had held that a district court could exercise jurisdiction over a claim seeking review of a state-court judgment on constitutional grounds the plaintiff had failed to raise in state court. See *Feldman*, 460 U.S. at 482 n.16. The Court proceeded to suggest that a district court would lack jurisdiction over any claim that was "inextricably intertwined" with a state-court judgment. *Ibid.*

That footnote is dictum at best, and in any event is far too feeble to provide the theoretical footing respondents seek for their argument. Its reference to an "inextricably intertwined" standard "spawned endless confusion" before *Exxon Mobil*, resulting in "many mistaken *Rooker-Feldman* dismissals." *Behr* v. *Campbell*, 8 F.4th 1206, 1211 (11th Cir. 2021). Notably, the Court in *Exxon Mobil* did not rely on the "inextricably intertwined" standard; taking this Court's signal, lower courts proceeded to

retreat from it. See *Hunter* v. *McMahon*, 75 F.4th 62, 72 & n.13 (2d Cir. 2023); *Gilbank* v. *Wood County Department of Human Services*, 111 F.4th 754, 767 n.5 (7th Cir. 2024), cert. denied, 145 S. Ct. 1167 (2025). And on top of all of that, the footnote's reasoning turned in part on "policy grounds" concerning why a plaintiff who failed to preserve his claims in state court should be treated as having "forfeit[ed] his right to obtain review of the state-court decision in any federal court." *Feldman*, 460 U.S. at 484 n.16. The footnote thus cannot support decoupling *Rooker-Feldman* from Section 1257 entirely.

2. Aside from rendering Section 1257 irrelevant to *Rooker-Feldman*, respondents' argument that *Rooker-Feldman* arises from the distinction between original and appellate jurisdiction (Br. 32-35) fails on its own terms.[*]

a. As respondents recognize (Br. 14, 28), the "essential criterion of appellate jurisdiction" is that it "revises and corrects the proceedings in a cause already instituted." *Ortiz* v. *United States*, 585 U.S. 427, 436 (2018) (citation omitted). But a complaint asserting a freestanding cause of action, asking a federal district court to prevent the enforcement of a state-court judgment, does not satisfy that definition. A federal complaint bringing a new cause of action *commences* a "cause," instead of *continu-*

[*] Respondents assert (Br. 27-28) that the question presented does not encompass the argument that a district court's original jurisdiction extends to a case in which the plaintiff is asserting a freestanding cause of action seeking to prevent the enforcement of a state-court judgment. But as this Court has long explained, "[o]nce a federal claim is properly presented, a party can make any argument in support of that claim." *Lebron* v. *National Railroad Passenger Corp.*, 513 U.S. 374, 379 (1995) (citation omitted; alteration in original). In any event, it was *respondents* that first drew the distinction between original and appellate jurisdiction in defense of the judgment below. See Br. in Opp. 26-28. Now that respondents have raised the argument, surely petitioner is entitled to respond.

*ing* "proceedings" that were "already instituted." *Ibid.* And such a complaint does not ask the district court to "revise" or "correct" the state-court decision; it leaves the judgment in place but simply prevents the judgment holder from enforcing it.

Such a federal case lacks other hallmarks of appellate jurisdiction, too. For example, the federal suit does not "remove[] the record into the supervising tribunal." *Cohens* v. *Virginia*, 19 U.S. (6 Wheat.) 264, 410 (1821). The district court entertaining the cause of action can receive new evidence, whereas a court exercising appellate jurisdiction ordinarily cannot. See, *e.g.*, Fed. R. App. P. 10; *United States* v. *Coe*, 155 U.S. 76, 83-84 (1894); *Holmes* v. *Trout*, 32 U.S. (7 Pet.) 171, 210 (1833). And most notably, preclusion would apply in a new action challenging an earlier judgment, see, *e.g.*, *Parsons Steel, Inc.* v. *First Alabama Bank*, 474 U.S. 518, 523 (1986), whereas it obviously would not apply in an appeal of the judgment.

Respondents seemingly concede (Br. 28-29) that suits such as petitioner's are not truly requests for appellate review of a state-court judgment. Instead, respondents contend that, because a party should not be permitted to do "indirectly" what it cannot do "directly," a losing party in state court should not be allowed to seek "what in substance would be appellate review of the state judgment under the guise of an original action in federal district court." Br. 28 (internal quotation marks and citations omitted).

That concession gives away the game. For decades, the Court has made significant efforts to ensure that jurisdictional rules are "clear" and "straightforward" to administer. See *Direct Marketing Association* v. *Brohl*, 575 U.S. 1, 14 (2015); *Hertz Corp.* v. *Friend*, 559 U.S. 77, 94 (2010); Pet. Br. 38-39. But respondents are asking the Court to ground *Rooker-Feldman* entirely in the distinc-

tion between original and appellate jurisdiction, while acknowledging that the typical action understood to trigger *Rooker-Feldman* is not really an appeal at all, but rather an original action seeking relief that is *functionally similar* to the relief available on appeal.

Worse still, respondents recognize (Br. 36) that the aspect of *Rooker-Feldman* that has most confounded the lower courts is the question whether a particular form of requested relief constitutes "review and rejection" of a state-court judgment. Respondents are thus asking the Court to decouple *Rooker-Feldman* from Section 1257 and hitch it entirely to a distinction that has sowed confusion in the lower courts since *Feldman* resurrected *Rooker*. See, *e.g.*, IJ Br. 5-6. Far from bringing clarity to the doctrine, respondents' proposed expansion will perpetuate the problems that have plagued it.

b. As petitioner has explained (Br. 32-35), the better way to understand a federal claim that seeks to prevent the enforcement of a state-court judgment is not as an invocation of appellate jurisdiction, but rather as a collateral attack that invokes a district court's original jurisdiction. Respondents' contrary arguments are unpersuasive.

Respondents first argue (Br. 32) that district courts lack original jurisdiction over collateral attacks on state-court judgments. But that contradicts the long tradition of lower federal courts sitting in equity entertaining bills to enjoin the enforcement of state-court judgments. See, *e.g.*, *Smith* v. *Apple*, 264 U.S. 274, 275, 278 (1924); *Wells Fargo & Co.* v. *Taylor*, 254 U.S. 175, 183-186 (1920); *Simon* v. *Southern Railway Co.*, 236 U.S. 115, 124-125, 128 (1915); *Huntington* v. *Laidley*, 176 U.S. 668, 678-679 (1900); compare Resp. Br. 32-33 (contending that *Earle* v. *McVeigh*, 91 U.S. 503 (1876), did not involve a federal suit "directly challenging a state-court judgment"), with *Earle*, 91 U.S. at 507 (entertaining a bill of complaint re-

moved to federal court that was seeking to enjoin the enforcement of a state-court judgment).

Respondents also assert that petitioner's suit does not constitute a collateral attack because it seeks to "void" the state-court judgment—something respondents say involves "appellate review." Br. 33. But petitioner requested declaratory relief and an injunction preventing respondents, the state-court judgment holders, from enforcing the consent decree, *on the ground that* it was void. See J.A. 46. As just explained, federal courts have long entertained such collateral attacks. While respondents contend that the Court "has repeatedly described requests for federal courts to declare state-court judgments 'void' as requiring the exercise of appellate jurisdiction," none of the decisions they cite stands for that absolute proposition. See Br. 27 (citing *Exxon Mobil*, 544 U.S. at 292; *Verizon*, 535 U.S. at 644 n.3; and *Rooker*, 263 U.S. at 416).

Indeed, even in *Rooker*, the Court acknowledged that the plaintiffs could have brought a collateral attack requesting that the state-court judgment be "declared null and void" on the ground that it was "given without jurisdiction." 263 U.S. at 414, 416. To be sure, the Court rejected the plaintiffs' voidness arguments as a "mistaken characterization," because their bill was "merely an attempt to get rid of the judgment for alleged errors of law committed in the exercise of that jurisdiction." *Id.* at 416. But the Court failed to explain why that difference in substantive grounds for a collateral attack implicated *federal jurisdiction* rather than the merits. Cf. *Huntington*, 176 U.S. at 679 (explaining that whether proceedings in state court provided a res judicata defense did not "affect[] the jurisdiction" of the lower federal court but instead "affect[ed] the merits of the cause"); *Blythe* v. *Hinckley*, 173 U.S. 501, 507 (1899) (similar).

Respondents effectively acknowledge (Br. 34) that federal habeas—perhaps the most well-known form of collateral attack in federal courts, see Pet. Br. 33—invokes a district court's original jurisdiction. Respondents instead attempt (Br. 34-35) to distinguish habeas from the type of action at issue here. But neither the Court's treatment of habeas in *Exxon Mobil* nor the features of habeas practice highlighted by respondents undermine the crucial point that the use of federal habeas to review a state criminal judgment has "generally been deemed original," not appellate. *Fay* v. *Noia*, 372 U.S. 391, 407, 423-424 & n.34 (1963).

Nor are respondents correct that habeas petitions merely "target the state-executive-branch's detention," Br. 35, rather than seeking judicial reexamination of "a final judgment of conviction in a state court," *Felker* v. *Turpin*, 518 U.S. 651, 663 (1996). To give a habeas petitioner relief from unauthorized detention, the district court must necessarily declare the judgment authorizing that detention void. See, *e.g.*, *Schlesinger* v. *Councilman*, 420 U.S. 738, 746-747 (1975); *Noia*, 372 U.S. at 423-424. And even if federal habeas was traditionally limited to cases where the "confining court lacked jurisdiction," Resp. Br. 34, that demonstrates that at least *some* review by lower federal courts of state-court judgments has long been allowed.

c. Respondents separately attempt to craft a clear-statement rule in support of their position (Br. 29-31), suggesting that a federal jurisdictional statute should not be interpreted to encompass review of a state-court judgment unless Congress has clearly authorized such review and provided "guardrails" around it. That turns the law on its head. Congress has given the district courts jurisdiction over broad categories of cases, including those arising under federal law. See, *e.g.*, 28 U.S.C. ch. 85.

District courts have a "virtually unflagging obligation" to exercise that jurisdiction, *Colorado River Water Conservation District* v. *United States*, 424 U.S. 800, 817 (1976), and "Congress must speak clearly if it seeks to impose exceptions" on a "broad grant of jurisdiction," *Bowe* v. *United States*, 146 S. Ct. 447, 456 (2026); see generally CAC Br. 11-17 (explaining Congress's expansion of federal jurisdiction during Reconstruction).

In any event, respondents' examples do not prove their rule. For instance, respondents cite removal (Br. 30), but removal is not a mechanism for seeking review of a state-court decision. Instead, it is a procedural tool for transferring a case from state to federal court. See *Breuer* v. *Jim's Concrete of Brevard, Inc.*, 538 U.S. 691, 698 (2003). And to the extent that respondents are suggesting that some review may be involved in the process of removal, that would only undermine their position, because the "jurisdiction exercised on removal is original not appellate." *Freeman* v. *Bee Machine Co.*, 319 U.S. 448, 452 (1943); see, *e.g.*, *Royal Canin U.S.A., Inc.* v. *Wullschleger*, 604 U.S. 22, 27 (2025).

Section 1914 of Title 25 is no more availing. See Resp. Br. 31. It authorizes an Indian tribe to "petition any court of competent jurisdiction" to invalidate certain state-court child-custody proceedings involving an Indian child. 25 U.S.C. 1914. That language indicates that Section 1914 is not a jurisdictional statute but instead creates a right of action that a district court can adjudicate under an independent source of jurisdiction such as Section 1331 or 1332. Cf. *Califano* v. *Sanders*, 430 U.S. 99, 105 n.6 (1977).

That leaves habeas. See Resp. Br. 30. To be sure, there has been independent statutory authorization for federal courts to entertain habeas petitions since the Founding. See Judiciary Act of 1789, ch. 20, § 14, 1 Stat. 81-82. But that does not show that the Founders believed

that especially clear statutory language was required to authorize federal habeas review. Rather, it shows only their view that the "power to award the writ" needed to be "given by written law"—that is, by *some* statutory language—and could not be exercised as a matter of common law. *Felker*, 518 U.S. at 664 (internal quotation marks and citation omitted). And although federal habeas review is "carefully limited," Resp. Br. 31, that is likely because, by "overrid[ing] the States' core power to enforce *criminal* law," habeas acutely intrudes on state sovereignty. *Shinn* v. *Ramirez*, 596 U.S. 366, 376 (2022) (citation omitted; emphasis added). The same cannot be said of ordinary collateral attacks on state *civil* judgments—particularly given that state preclusion law will impose limits of its own on such actions.

3. Respondents raise two supposed practical problems with petitioner's approach based on Section 1257. Neither is significant.

*First*, respondents argue (Br. 23-24, 38) that petitioner's approach is logically inconsistent because it would allow *Rooker-Feldman* to apply to a state-court decision that became final after the losing party failed to appeal (or dismissed its appeal), even though this Court would lack jurisdiction over such a decision under Section 1257. But petitioner has never taken that position. To begin with, this case does not present the question of how *Rooker-Feldman* applies where a state-court decision becomes final after the losing party forfeits or waives the right to state appellate review. See Pet. i.

That said, there would be nothing anomalous about the view that *Rooker-Feldman* does not apply to a state-court decision that has become unreviewable in state court without a decision from the state court of last resort. Such an approach would best comport with *Rooker-Feldman*'s foundation in Section 1257. And the risks of gamesman-

ship are meager, because it would be foolhardy for a litigant to forgo state appellate review in order to move directly to a collateral attack in federal district court. Such a decision would preclude any ability to obtain appellate relief in state court (and ultimately to seek direct review in this Court), and it would likely run squarely into state preclusion law in federal court. See Pet. Br. 40-43; pp. 17-18, *infra*. Even if some litigants were unwise enough to take that step, there is no need for a jurisdictional bar to deal with it.

*Second*, respondents argue (Br. 29) that, if petitioner's action did properly invoke the district court's original federal-question jurisdiction under 28 U.S.C. 1331, a litigant could similarly invoke a district court's original diversity jurisdiction under 28 U.S.C. 1332 to bring a collateral attack against a state-court decision. That is true, but again there is nothing anomalous about that result. It simply interprets Section 1332 as congruent with Section 1331, with any limitations implied by *Rooker-Feldman* applying equally to both statutes. See *Simon*, 236 U.S. at 120-122. To the extent that respondents are invoking diversity jurisdiction to hint at a floodgates problem, the answer is simple: preclusion and abstention doctrines exist to deal with those cases, just like ones based on federal-question jurisdiction. See Pet. Br. 40-43; pp. 17-18, *infra*.

### C. There Are Compelling Practical Reasons Not To Expand The *Rooker-Feldman* Doctrine To Non-Final State-Court Decisions

As petitioner has explained (Br. 35-43), there are no valid reasons to expand *Rooker-Feldman* to state-court decisions that remain subject to further review in state court, and every reason not to. The doctrine has been notoriously difficult for lower courts to apply, and other, non-jurisdictional doctrines already take care of the

problems that *Rooker-Feldman* purports to address. Respondents' contrary arguments lack merit.

1. Respondents do not dispute that the *Rooker-Feldman* doctrine has confounded the lower courts for decades. But despite the Court's "aggressive intervention" in *Exxon Mobil*, lower courts dismissed cases based on *Rooker-Feldman* at an even higher rate—indeed, a "*significantly higher*" rate—in the eight years after *Exxon Mobil* than in the eight years before it. *HPIL Holding, Inc.* v. *Zhang*, No. 25-1595, 2026 WL 636728, at *3 (6th Cir. Mar. 6, 2026). Indeed, "in the last five years, approximately 7,800 federal cases cited *Rooker* and *Feldman* while fewer than half as many cited [*Exxon Mobil*]." *Ibid.*; see IJ Br. 9-11. If *Exxon Mobil* did not deter the lower federal courts from applying *Rooker-Feldman*, one can only imagine what effect a decision from this Court *expanding* the doctrine would have.

Most importantly, there is "no good reason" to extend *Rooker-Feldman*, because "anything *Rooker* and *Feldman* can do, preclusion can do better"—without the baggage that comes with a jurisdictional rule. *HPIL Holding*, 2026 WL 636728, at *3; see Pet. Br. 40-43; Scholars Br. 14-15; IJ Br. 18. In fact, preclusion and abstention doctrines are the simple answer to nearly all of the concerns that respondents have raised about petitioner's position.

Respondents argue (Br. 41-42) that preclusion doctrines are only minimally helpful, but they misunderstand the scope of those doctrines. Under the doctrine of claim preclusion, if the plaintiff prevailed in state court, the losing defendant cannot later raise defenses "he might have interposed, or did interpose," in state court. Restatement (Second) of Judgments § 18(2) (1982) (Restatement). By contrast, if the defendant prevailed, preclusion extinguishes the plaintiff's rights against the defendant con-

cerning "all or any part of the transaction, or series of connected transactions, out of which the action arose." *Id.* § 24(1). Claim preclusion thus extends beyond the precise claims and defenses that were actually litigated in state court. See *Lucky Brand Dungarees, Inc.* v. *Marcel Fashions Group, Inc.*, 590 U.S. 405, 412 (2020). As to the doctrine of issue preclusion, while it generally applies only to issues that are actually litigated and decided in state court, see Resp. Br. 42, it plays an additional and meaningful role in preventing the relitigation of such issues.

Related doctrines also set strict limitations on the ability of litigants to bring collateral attacks on judgments. See, *e.g.*, Restatement §§ 69-72. Respondents do not dispute that proposition. Instead, they suggest that "the plaintiffs in most of the cases on [petitioner's] side of the circuit split invoked federal law arguments beyond those that petitioner identifies in the Restatement." Br. 42. But respondents do not contend that the claims in those cases would have prevailed over a preclusion defense.

Respondents separately dismiss the relevance of abstention doctrines. See Br. 41. But regardless of whether those doctrines would be applicable in this particular case, it is beyond dispute that those doctrines address many scenarios that overlap substantially with *Rooker-Feldman*. See Pet. Br. 42; Scholars Br. 8-9, 11-12. Accordingly, while respondents may be able to conjure up situations where a given preclusion or abstention doctrine does not apply, those doctrines collectively do nearly all of the work that *Rooker-Feldman* does. See Scholars Br. 14-15.

2. Respondents do not dispute that this Court has made significant efforts to clarify federal jurisdictional rules or that such rules should be simple and easy to administer. See Pet. Br. 38-40. Instead, respondents argue that adopting the "practical finality" approach applied by

some courts of appeals would "generate confusion, not alleviate it." Br. 36-37.

But the Court need not adopt a "practical finality" approach to decide the case in petitioner's favor. The question presented concerns only how *Rooker-Feldman* applies where a state-court decision remains subject to further review in state court. The Court can decide that issue by holding that *Rooker-Feldman* does not apply where there has been no decision from the state court of last resort, as required to give rise to this Court's jurisdiction under Section 1257. To the extent that respondents are worried about complexities that may arise in other factual contexts, it will ordinarily be more straightforward to ask whether this Court would have jurisdiction under Section 1257 over the relevant state-court decision, rather than whether a particular action seeks relief that is sufficiently similar to appellate review to resort to *Rooker-Feldman*.

3. Respondents next argue that petitioner's position "produces nothing less than a profound affront to federalism." Br. 39. In respondents' view, petitioner seeks to have "federal courts supervise state-court judgments" whenever original federal jurisdiction is present. Br. 40.

That is a strawman. Petitioner's position is not that state courts should be under "constant supervision" by lower federal courts. Resp. Br. 40. Instead, it is simply that, where a state-court decision remains subject to further review in state court, a *jurisdictional* bar should not apply, and non-jurisdictional doctrines should govern the scope of the federal action. The great virtue of that approach is that it allows *States* to determine the preclusive effect of proceedings in their courts, because state law governs the preclusive effect of a state-court judgment. See Pet. Br. 41-42. If a particular State's preclusion laws were to permit an action that *Rooker-Feldman* might otherwise foreclose, that would be a pro-federalism feature,

not an anti-federalism bug, of petitioner's position. See Scholars Br. 13-15; IJ Br. 21-22.

Respondents also argue that, if this Court can intervene in state litigation only after a decision of the state court of last resort, "it makes little sense" that a district court could "intervene midstream" while a state-court decision remains subject to further review in state court. Br. 26. That proves too much. The same could be said for parallel federal and state proceedings, and this Court has rejected the argument that parallel suits implicate the *Rooker-Feldman* doctrine, even though the prospect of federal-court intervention in state-court proceedings is at least as salient in those circumstances. See *Exxon Mobil*, 544 U.S. at 292-294 & n.9. Respondents offer no basis to conclude that the same concerns justify a different result here.

### D. In The Alternative, The *Rooker-Feldman* Doctrine Should Be Overruled

If the Court were to determine that *Rooker-Feldman* otherwise applies to a federal action challenging a state-court decision that remains subject to further review in state court, the Court should consider overruling the doctrine entirely. As petitioner has explained (Br. 44-45), *Rooker-Feldman* does not comport with the plain text of Section 1257; the longstanding acceptance of concurrent jurisdiction; or the distinction between subject-matter jurisdiction and preclusion. Given all of the problems the doctrine has caused since the Court revived *Rooker* in *Feldman* (Pet. Br. 35-38, 45-46), the time for jettisoning it may be now.

Respondents do not meaningfully engage with petitioner's arguments on this score. Instead, respondents protest (Br. 43-45) that the validity of *Rooker-Feldman* is beyond the scope of the question presented. Respondents

express concern that the court of appeals below did not consider *Rooker-Feldman*'s validity and that this Court's consideration of it now would "encourage petitioners" to "fram[e] the question presented narrowly" and then later "to focus their fire on this Court's precedents." Br. 44. Respondents further suggest that interested parties lacked an "opportunity to weigh in" on *Rooker-Feldman*'s validity in amicus briefs. Br. 45.

Respondents' concerns are overstated. Respondents' principal argument on the question presented (Br. 12-17, 24-26, 28-35) is that it is irrelevant to *Rooker-Feldman* whether a state-court decision remains subject to further review in state court, because the entire basis for the doctrine is that *any* federal action seeking relief from a state-court judgment requires the exercise of appellate jurisdiction. By contrast, petitioner has argued (Br. 32-35) that a federal action seeking to prevent the enforcement of a state-court judgment does not require the exercise of appellate jurisdiction. Respondents have thus had a full and fair opportunity to defend *Rooker-Feldman* on their own terms.

Respondents' other objections are insubstantial. Petitioner did not ask the court of appeals to address *Rooker-Feldman*'s validity for the simple reason that the court of appeals had no power to overrule this Court's precedents. Petitioner also hardly "focus[ed] [her] fire" on having *Rooker-Feldman* overruled; petitioner made an alternative argument only after comprehensively addressing the question presented. Compare Pet. Br. 18-43 with *id.* at 44-47. And although respondents suggest that interested amici lacked the ability to weigh in on whether *Rooker-Feldman* should be overruled, one amicus brief on petitioner's side did, see IJ Br. 13-22, and respondents' lone amicus brief did not respond.

Petitioner's principal position remains that *Rooker-Feldman* does not apply to a state-court decision that remains subject to further review in state court. But if the Court concludes otherwise, it should consider overruling the doctrine and ending the confusion that has plagued lower courts for the last four decades.

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The judgment of the court of appeals should be reversed.

Respectfully submitted.

RAY M. SHEPARD
SHEPARD LAW FIRM
*122 Riviera Drive*
*Pasadena, MD 21122*

KANNON K. SHANMUGAM
WILLIAM T. MARKS
ANNA J. LUCARDI
MATTHEW J. DISLER
MIKAELA MILLIGAN
KRISTA A. STAPLEFORD
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP
*2001 K Street, N.W.*
*Washington, DC 20006*
*(202) 223-7300*
*kshanmugam@paulweiss.com*

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